WO 1 2 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF ARIZONA 6 Anthony Sanchez, 7 Plaintiff, 8 CIV 04-794 PHX ROS (VAM) v. 9 CO II Rivas, et al., ORDER 10 Defendants.) 11 This lawsuit was filed on April 22, 2004. All defendants 12 except Rivas and all counts except Count I were dismissed. 13 Plaintiff then filed an amended complaint adding three 14 additional defendants. (Doc. 15). Motions to Dismiss were filed 15 and joined in. (Docs. 39, 46). The Court then granted the Motion 16 to Dismiss as to most of plaintiff's claims and all defendants 17 except defendant Rivas. (Doc. 51). Defendant Rivas filed an 18 (Doc. 52). The Court entered a Scheduling and Discovery 19 20 21 2.2 2.3

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Order. (Doc. 56). The discovery deadline was July 24, 2006.

On June 2, 2006, approximately one month before the discovery deadline was to run, plaintiff filed a motion for an order allowing depositions on 17 witnesses. Depositions of prison personnel are typically not allowed because of the disruption to prison operations. In addition, plaintiff would have to pay witness fees and costs and the cost of a court reporter for each deposition. In the past, plaintiff has indicated to the Court he has absolutely no money. The relevance as to most of the witnesses is marginal at best. Plaintiff may call at trial, if there is a trial, such witnesses as he can afford at that time.

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The Motion for Oral Depositions and the renewed Motion for Oral Depositions will be denied. (Docs. 59, 70).

On June 16, 2006, plaintiff filed a motion asking the Court to appoint an expert witness (crime scene investigator) to investigate the crime scene and testify that he was wronged. This motion will also be denied. The Court typically does not appoint experts and pay experts for plaintiffs in civil rights cases. It is plaintiff's responsibility to retain and pay his own experts.

On July 26, 2006, plaintiff filed a Motion to Stay

Proceedings. (Doc. 66). It appears that plaintiff is asking for a stay of the proceedings so that his deposition will not go forward. He indicates he has filed a motion for appointment of counsel to represent him in the deposition. Previous motions for appointment of counsel were denied. Plaintiff seems to indicate that answering the questions in the deposition will incriminate him in a criminal case. The defendant has not responded to the Motion to Stay Proceedings. The Court will require a response.

On September 27, 2006, plaintiff filed a Motion for Written Depositions and for the Court to appoint and pay a court reporter so that he may take his depositions. Again, plaintiff lists numerous written questions he wishes to ask of the defendant and other witnesses within the prison system. The Court does not pay for court reporters for plaintiffs in their lawsuits. Plaintiff has indicated he has no money in the past. The Court has reviewed the questions which plaintiff wishes to ask and they are objectionable. In addition, the discovery deadline has run and defendant Rivas has responded to discovery already.

Defendant has asked for an extension of time on the

| 1 | dispositive motions deadline. (Doc. 72). Defendant indicates |
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| 2 | that the need for additional time was occasioned by responding to |
| 3 | numerous written discovery requests by plaintiff and the press of |
| 4 | work in other cases. The Court will grant defendant's Motion for |
| 5 | an extension of time and allow dispositive motions to be filed up |
| 6 | to December 26, 2006. |
| 7 | IT IS THEREFORE ORDERED denying plaintiff's Motion for Oral |
| 8 | Examination of Witnesses. (Doc. 59). |
| 9 | IT IS FURTHER ORDERED denying plaintiff's Motion for |
| 10 | Appointment of an Expert Witness. (Doc. 61). |
| 11 | IT IS FURTHER ORDERED that defendant Rivas shall respond to |
| 12 | plaintiff's Motion to Stay Proceedings. (Doc. 66). The response |
| 13 | shall be filed no later than November 10, 2006. |
| 14 | IT IS FURTHER ORDERED denying plaintiff's renewed Motion for |
| 15 | Oral Depositions. (Doc. 70). |
| 16 | IT IS FURTHER ORDERED denying plaintiff's Motion for Written |
| 17 | Depositions. (Doc. 71). |
| 18 | IT IS FURTHER ORDERED denying plaintiff's Motion for |
| 19 | Appointment of a Court Reporter. (Doc. 71). |
| 20 | IT IS FURTHER ORDERED granting defendant's Motion for an |
| 21 | extension to file dispositive motions. (Doc. 72). Dispositive |
| 22 | motions shall be filed by all parties no later than December 26, |
| 23 | 2006. |
| 24 | DATED this 24th day of October, 2006. |
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| 26 | VIRGINIA A. MATHIS |
| 27 | Virginia A. Mathis United States Magistrate Judge |